

REMARKS/ARGUMENTS

Claim 3 is pending in the application. Pending claim 3 has been amended. The amendment is fully supported by the original disclosure. No new matter has been introduced. Reconsideration and allowance of claim 3 in view of the following remarks is respectfully requested.

The objection to the Oath or Declaration:

The Oath or Declaration was objected to because the full name of each inventor was not set forth.

In response, Applicant has attached a replacement Declaration in proper form.

The rejection of claim 3 under 35 U.S.C. § 112:

Claim 3 stands as rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In the rejection, the Examiner indicated that the claimed fluid passage inlet and fluid passage outlet of the device connecting to the hydraulic motor are not clearly disclosed.

In response, Applicant has added new paragraph 4, after line 19, reading:

Each volume chamber 26 and 28 of the gear set 14 is connected through a passage 38 with valving 40. The valving 40 cooperates with the housing 12 to provide fluid communication between the ports A and B and the volume chambers 26 and 28.

This new paragraph is supported by the original text of claim 1 as well as the original specification text at page 4, lines 13-14. Applicant asserts that none of this material is new as it was originally described in the text of claim 1. The example cited by the Examiner (U.S. Pat. No. 3,892,503), shows a box labeled pressure and a box labeled exhaust communicating with a selector valve 80, where the selector valve 80 in turn

communicates with a housing 11 via pressure bore 17 and exhaust bore 18; similarly, the present application has ports A and B communicating with valving 40 which in turn cooperates with the housing 12 via passage 38. Accordingly, it can be seen that the claim language is supported by the text of the specification.

Claim suggestions:

The Examiner has proposed two amendments to claim 3.

In response, Applicant has amended claim 3 as suggested, and also amended the Summary of the Invention and the Abstract to match this amended language.

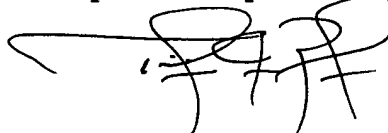
CONCLUSION:

In view of the above amendments and remarks, Applicant believes claim 3 is in condition for allowance, and Applicant respectfully requests allowance of such claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

TJZ/JJL/kc